

CHAPTER 1203

POLK COUNTY LEGALIZING ACT

S. F. 2260

AN ACT legalizing the proceedings of the city council of Polk City, Iowa in connection with the making of a contract for the construction of water main improvements.

WHEREAS, on August 2, 1976, the City Council of Polk City, Iowa, passed a resolution adopting a Resolution of Necessity for the construction of certain water main improvements in said City, designated as the "1976 Water Main Extension Project"; and

WHEREAS, on November 12, 1976 the District Court of the State of Iowa entered its decree confirming as correct, lawful and proper all assessments made, subject to certain modifications therein provided, and confirming all acts of the City of Polk City and its Council with respect thereto and further ordered that said assessments were to be collected following award of contract for the construction of the improvement and final levy of said assessments by resolution of the Council of the City of Polk City upon completion of the improvements pursuant to the provisions of Chapter 384, City Code of Iowa, and the same constitute a lien on a parity with the lien of ordinary taxes against the properties of defendants to the extent assessed, no appeal having been taken therefrom; and

WHEREAS, on August 2, 1976, the City Council of said City passed a resolution ordering the construction of said water main improvements and directing publication of a Notice of Hearing and Letting, pursuant to the provisions of Chapter 384 of the Code of Iowa, and

WHEREAS, a notice to bidders of hearing and letting was published in various trade journals, and mailed to eight contractors; five bids were received and the low bid resulted in costs below the engineers estimate; and

WHEREAS, on November 15, 1976, said City entered into a contract for the construction of the water main improvements covered by the Resolution of Necessity and the Resolution Ordering Construction, hereinabove mentioned, with the low bidder Hurst Excavating of Waterloo, Iowa, which company thereafter filed its performance and maintenance bond; and

WHEREAS, said construction work, has been completed by said Contractor and said Contractor has been partially paid

from available cash funds of the City on hand; and

WHEREAS, after satisfactory completion of the construction work doubts have arisen concerning the sufficiency of publication of said Notice of Hearing and Letting, the legality of the construction contract, and concerning the power of the Council to order disbursement of City funds to the contractor, to levy special assessments against benefited property, and to issue and sell bonds to pay the costs of said improvements, and it is deemed advisable to put such doubts forever at rest: NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. All proceedings heretofore taken by the City Council of Polk City, Iowa, including all legal notices given, in connection with and pertaining to the execution of the contract with Hurst Excavating, Inc., on November 15, 1976, for the construction of certain water main improvements in said City pursuant to said Resolution of Necessity adopted August 2, 1976, and said contract itself, are hereby legalized, validated and confirmed, and shall constitute full authority for the acts of said City Council ordering the disbursement of the funds of said City, levying special assessments against benefited property, pursuant to said Resolution of Necessity adopted August 2, 1976, and issuing and selling bonds in anticipation of the collection of said assessments and general obligation bonds to pay for the balance of the costs of said improvements, in the manner otherwise prescribed by law, and said bonds, when so issued, shall be valid, legal and binding obligations of said City in accordance with their terms.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa, and in The Marion Sentinel, a newspaper published in Marion, Iowa, without expense to the state.

Approved June 5, 1978

I hereby certify that the foregoing Act, Senate File 2260, was published in the Ankeny Press-Citizen, Ankeny, Iowa on June 15, 1978, and in The Marion Sentinel, Marion, Iowa on June 15, 1978.

MELVIN D. SYNHORST, *Secretary of State*